

IN THE COUNTY COURT OF HANCOCK COUNTY MISSISSIPPI

ANGELA HAY,

Plaintiff,

v.

**SILVER SLIPPER CASINO
VENTURE, LLC D/B/A Silver Slipper
Casino and Fictitious Defendant
employee "A," whether singular or
plural, those other persons,
corporations, firms or other entities
whose wrongful conduct caused or
contributed to cause the injuries and
damages to Plaintiff, all of whose true
and correct names are unknown to
Plaintiff at this time, but will be added
by amendment when ascertained,**

Defendant.

CAUSE NO: 21-0079

RULE 4 SUMMONS

**STATE OF MISSISSIPPI
COUNTY OF HANCOCK**

TO: SILVER SLIPPER CASINO VENTURE, LLC

Through its Registered Agent:

**Business Filings International, Inc.
645 Lakeland East Dr., Suite 101
Flowood, MS 39232.**

NOTICE TO DEFENDANT(S)

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand deliver a copy of a written response to the attached Complaint to the attorney for the Petitioner: Toby Tatum, 2304 19th Street, Suite 101, Gulfport, MS, 39501.

Your response must be mailed or delivered within Thirty (30) days from the date of delivery of this Summons and Complaint. If you fail to respond in the time allotted by law, a default judgment may be issued against you for the damages sought by the Plaintiff in the Complaint.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT,
this, the 5 day of May, 2021.

Kendra Nechaise
HANCOCK County Circuit Court Clerk

(SEAL)

By

Ciana M. Hester

D.C.

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FILED

MAY 05 2021

KENDRA NECAISE
CIRCUIT CLERK HANCOCK CO.
BY *[Signature]* D.C.

COMPLAINT

JURY TRIAL REQUESTED

This is an action by Plaintiff, **Angela Hay**, against Defendant, **Silver Slipper Casino Venture LLC, d/b/a/ Silver Slipper Casino** for personal injuries and damages sustained by the Plaintiff as the result of the negligent actions of **Fictitious Defendant employee "A"**, who is known to the Plaintiff but unnamed at this time. Defendant **Silver Slipper Casino Venture LLC** is vicariously liable for the delicts of **Fictitious Defendant employee "A"** when those delicts occurred during his course and scope of employment. The negligent act occurred on or about **August 6, 2020**, at the Silver Slipper Casino in Bay St. louis, MS.

PARTIES, JURISDICTION, VENUE

1. The Plaintiff, **Angela Hay**, was an adult resident citizen of **Hancock** County, Mississippi at all times material to the issues in this case.
2. Defendant, **SILVER SLIPPER CASINO VENTURE, LLC D/B/A Silver Slipper Casino**, is a Delaware company licensed to do business in the state of Mississippi at all times material to the issues in this case and was the employer of Fictitious Defendant employee "A". Defendant, **SILVER SLIPPER CASINO VENTURE, LLC D/B/A Silver Slipper Casino**, may be served through its Registered Agent, Business Filings International, Inc., at address 645 Lakeland East Drive, Suite 101, Flowood, MS 39232.
3. On information and belief, Fictitious Defendant employee "A" is an adult resident citizen of the State of Mississippi at the time of the filing of this Complaint.
4. **Fictitious Defendant employee "A"**, whose wrongful conduct forms the basis of this Complaint, is known but whose true and correct name has not been ascertained by the Plaintiff at this time. **Fictitious Defendant employee "A"** was an employee of the Silver Slipper Casino at the time of the incident which is the subject of this Complaint and was acting within the course and scope of his employment at the time of the incident.
5. The incident giving rise to this complaint occurred in **Hancock** County, Mississippi, at the Silver Slipper Casino located at 5000 S. Beach Boulevard, Bay St. Louis, MS 39520. Pursuant to the provisions of Mississippi Code Annotated Section 11-11-3, 1972, as amended, this Honorable Court has jurisdiction of same. Venue in **Hancock** County, Mississippi is proper.

APPLICABLE FACTS

6. On or about **August 6, 2020**, Plaintiff, **Angela Hay**, was in the Defendant's location at the Silver Slipper Casino, 5000 S. Beach Boulevard, Bay St. Louis, MS 39520, **Hancock** County, Mississippi playing a slot machine.

7. At said time and place, while Plaintiff was an invitee upon the premises of the Defendant in **Hancock** County, Mississippi, Fictitious Defendant "A", while trying to shove the slot machine chairs back into place, negligently and recklessly pushed a chair over striking Plaintiff in the knee with the chair.

COUNT ONE - NEGLIGENCE

8. Plaintiff re-alleges and incorporates the preceding paragraphs herein as if they were fully and completely set forth herein.

9. At said time and place, Fictitious Defendant employee "A" negligently and recklessly shoved a slot machine chair into Plaintiff's knee. Fictitious Defendant employee "A" :

- (a) Negligently failed to exercise ordinary care.
- (b) Negligently failed to warn Plaintiff of said known danger.
- (c) Otherwise acted in negligent disregard of the rights and safety of the Plaintiff and other business invitees.

10. The Plaintiff avers that the acts and conduct of the Defendant constitutes common law negligence.

11. As the proximate consequence of said negligence, Plaintiff was caused to suffer personal injuries, pain and suffering and other damages.

WHEREFORE, Plaintiff demands judgment against the Defendants for all damages, court costs and attorney's fees to which Plaintiff is entitled and for all compensatory damages that it will take to make the Plaintiff fully whole; furthermore, Plaintiff demands any further damages in such an amount as this Court may determine.

COUNT TWO - WANTONNESS

12. Plaintiff re-alleges and incorporates the preceding paragraphs herein as if they were fully and completely set forth herein.
13. At said time and place, Defendant acted in such a wanton manner so as to
 - (a) cause injury to Plaintiff, and
 - (b) cause Plaintiff to undergo doctor appointments and physical therapy appointments, and
 - (c) cause the Plaintiff to suffer and sustain injuries and damages.
14. In causing Plaintiff's injury, Defendant:
 - (a) Wantonly failed to exercise ordinary care.
 - (b) Otherwise acted in wanton disregard of the rights and safety of the Plaintiff and other business invitees.
15. The Plaintiff avers that the acts and conduct of the Defendant constitutes wantonness.
16. As the proximate consequence of said negligence, Plaintiff was caused to suffer personal injuries, pain, suffering and other damages.

PUNITIVE DAMAGES

17. Under Miss. Code Ann. 11-1-65, 1972, as amended, because of the gross negligence of the Defendant herein, which among other things constitutes an independent tort, Plaintiff is entitled to recover punitive or exemplary damages against said Defendant to deter him from such oppressive conduct, gross negligence, wanton, reckless disregard for the safety of others in the future, in an amount to be determined by a jury within the jurisdictional requirements of this Honorable Court.

WHEREFORE, Plaintiff demands judgment against the Defendants for all damages, court costs and attorney's fees to which Plaintiff is entitled and for all compensatory damages that it will take to make the Plaintiff fully whole; furthermore, Plaintiff demands any further damages in such an amount as this Court may determine.

COUNT THREE – FICTITIOUS DEFENDANTS

18. Plaintiff re-alleges and incorporates the preceding paragraphs herein as if they were fully and completely set forth herein.

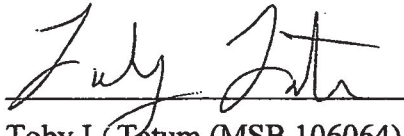
19. Fictitious Defendant employee "A", whose negligent, wanton, reckless and wrongful conduct contributed to the injuries sustained by the Plaintiff, said Fictitious Defendant's name is unknown to Plaintiff at this time, but will be promptly substituted by amendment when ascertained.

WHEREFORE, Plaintiff demands judgment against Fictitious Defendant employee "A", and his employer, Silver Slipper Casino Venture LLC, who is vicariously liable for his delicts committed within the course and scope of his employment, both jointly and severally, for all compensatory damages, court costs and attorney's fees to which Plaintiff is entitled. Furthermore, Plaintiff demands punitive damages in such an amount as this Court may determine.

JURY TRIAL DEMANDED AS TO ALL COUNTS OF THE COMPLAINT

This May 5, 2021.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Toby L. Tatum', is written over a horizontal line.

Toby L. Tatum (MSB 106064)
ATTORNEY FOR PLAINTIFF
2304 19th Street, Suite 101
Gulfport, MS 39501
Email: Tlenier111@yahoo.com
Phone: (228) 209-0378

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